

# COMMITTEE AMENDMENT FORM

DATE: 03/27/ 07

COMMITTEE      CITY UTILITIES

PAGE NUM. (S) 2

ORDINANCE I. D. #07-O-0454

SECTION (S) 5

RESOLUTION I. D. #07-R-

PARA.

AMENDS THE LEGISLATION BY DELETING THE ACCOUNT NUMBER 491102  
AND REPLACING IT WITH 524001 SO THAT THE FUND, ACCOUNT AND  
CENTER NUMBER WILL READ AS FOLLOWS:

**3P02 524001 M22F03349999**

AMENDMENT DONE BY COUNCIL STAFF 03/27/07

**AN AMENDED ORDINANCE**

**07-O-0454**

**BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO ABANDON A PORTION OF BRYAN AVENUE, SOUTHEAST, LOCATED BETWEEN PARK AVENUE AND THE DEAD-END OF BRYAN AVENUE, LYING IN LAND LOT 44, COUNCIL DISTRICT 1, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.52 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.**

**WHEREAS**, Richard Danner, an owner of abutting property, has filed a formal petition with the City of Atlanta ("City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment; and

**WHEREAS**, the Applicant has paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9 (a) (5) of the City Code of Ordinances; and

**WHEREAS**, the request to abandon said street has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

**WHEREAS**, the abutting property owner and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place; and

**WHEREAS**, the Commissioner of the Department of Public Works has determined that the portion of Bryan Avenue, S.E., as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

**WHEREAS**, the abandoned portion of Bryan Avenue, S.E., will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire, and planning departments.

**SECTION 2:** That the portion of Bryan Avenue, S.E., whose legal description is as shown on the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 3:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 4:** That the Chief Procurement is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

**SECTION 5:** That all costs associated with the advertising and appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 524001 M22F03349999.

**SECTION 6:** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**SECTION 7:** That the Mayor is authorized to execute a quitclaim deed to Applicant conveying any interest that the City may have in the above-described portion of Bryan Avenue, S.E., abandoned herein.

**SECTION 8:** The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 9:** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**07- 0 -0454**

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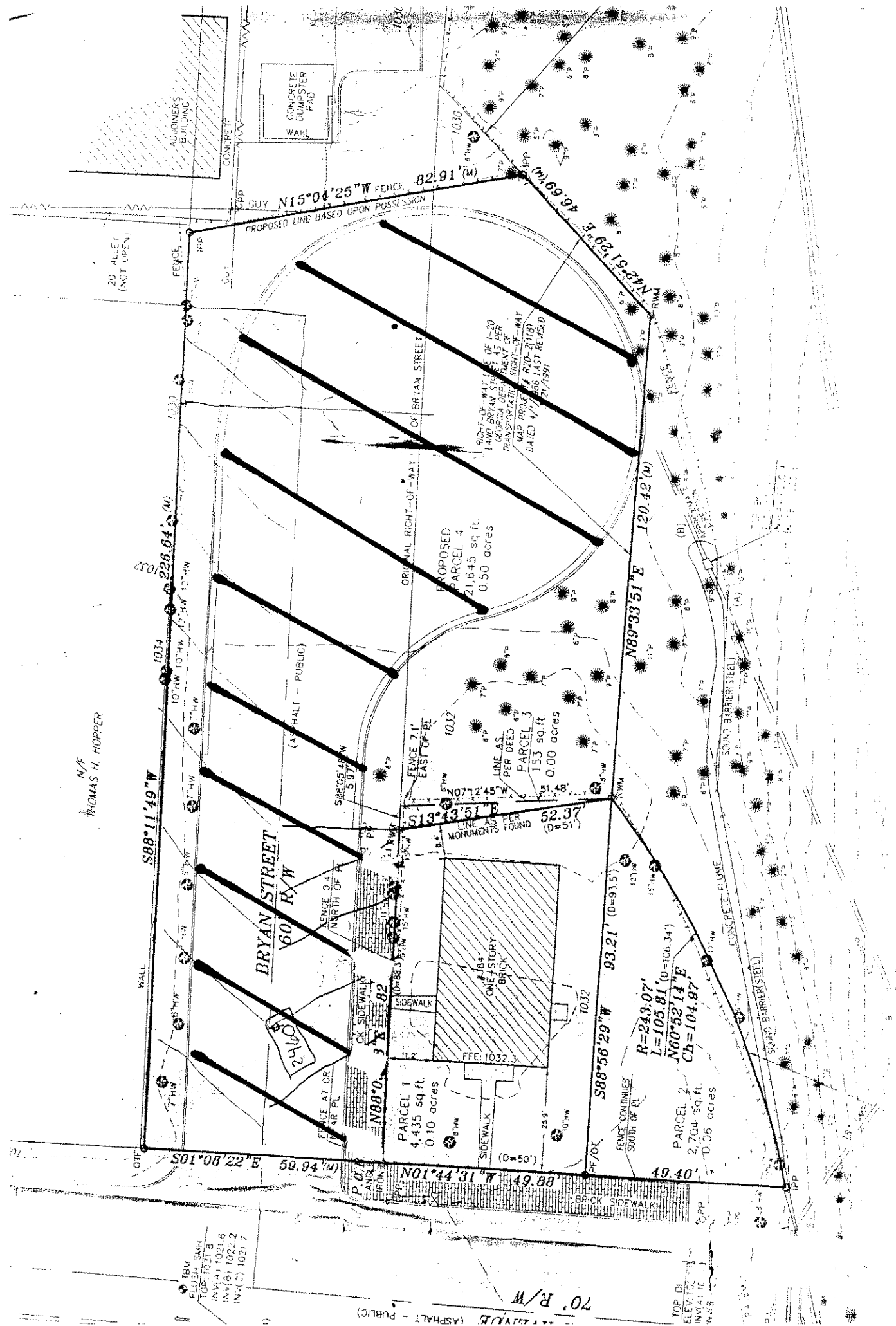
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**Part II: Legislative White Paper:**

**Committee of Purview:** City Utilities

**Caption:** AN ORDINANCE TO ABANDON A PORTION OF BRYAN AVENUE, SOUTHEAST, LOCATED BETWEEN PARK AVENUE AND THE DEAD-END OF BRYAN AVENUE, LYING IN LAND LOT 44, COUNCIL DISTRICT 1, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.52 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.

**Council Meeting Date:** March 19, 2007

**Requesting Dept.:** Public Works

**B. To be completed by the department :**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to abandon City of  
Atlanta Right-of-Way

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

**4. Fund Account Center:**

**5. Source of Funds:**

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

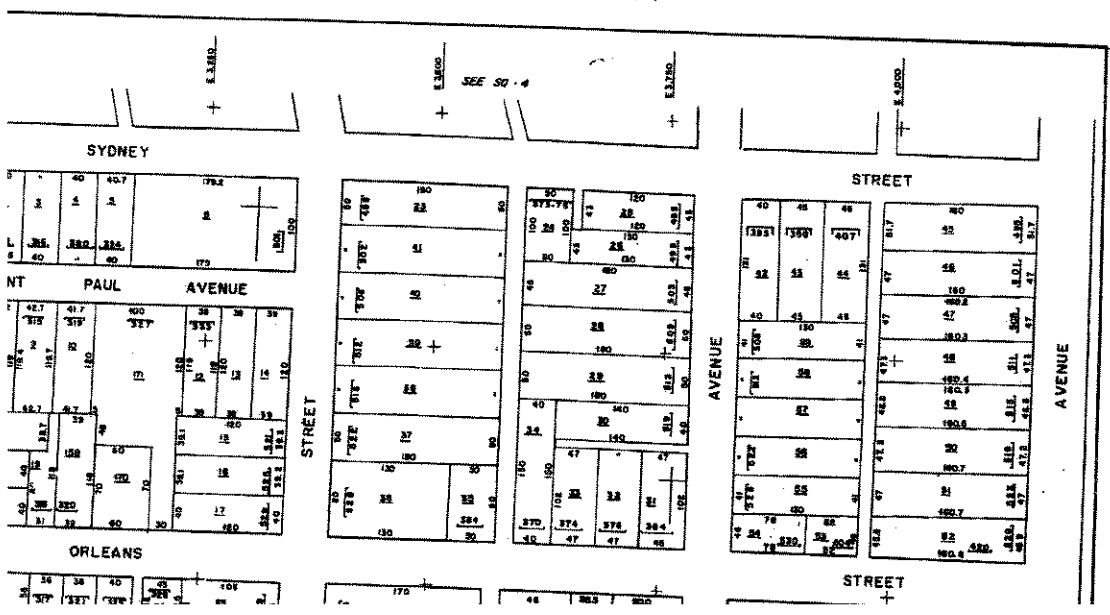
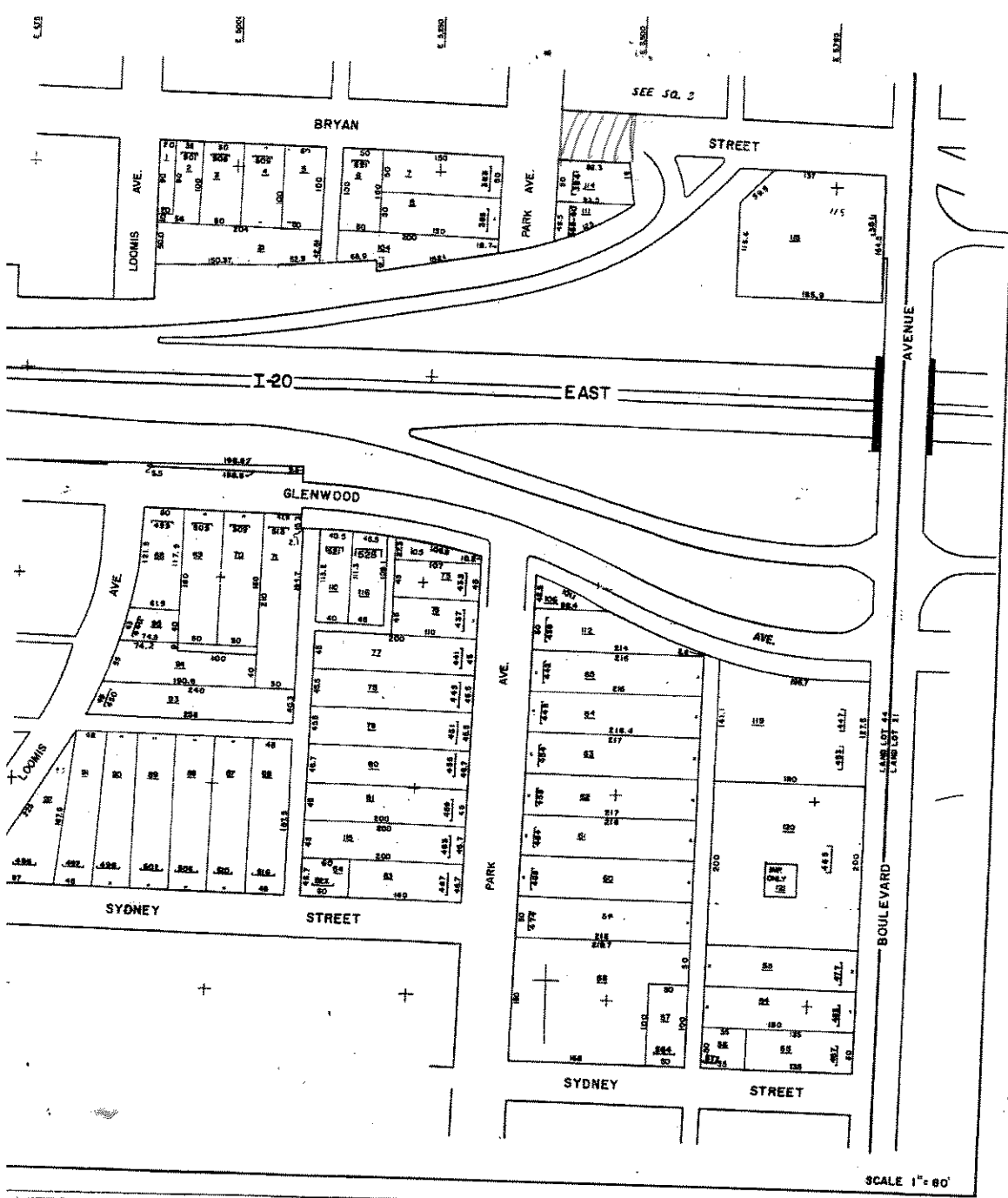
**This Legislative Request Form Was Prepared By: WAHAB ALABI**



## Exhibit A

All that tract or parcel of land lying and being in Land Lot 44 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at an open top pin found at the intersection of the easterly right of way of Park Avenue (a 70 foot right of way) and the northerly right of way of Bryan Street (a 60 foot right of way), which open top pin is also located 159.22 feet northerly from the intersection of the easterly right of way of Park Avenue and the northwesterly right of way of Interstate 20 as per Georgia Department of Transportation Right of Way Map Project Number IR20-2 (118) dated April 1, 1986 last revised March 21, 1991; running thence south 01 degrees 08 minutes 22 seconds east a distance of 59.94 feet to an angle iron located on the easterly right of way of Park Avenue; running thence north 88 degrees 05 minutes 48 seconds east a distance of 82.33 feet to a right of way monument; running thence south 13 degrees 43 minutes 51 seconds east a distance of 52.37 feet to a right of way monument; running thence north 89 degrees 33 minutes 51 seconds east along the right of way line of Interstate Highway 20 and Bryan Street as per Georgia Department of Transportation Right of Way Map Project Number IR20-2(118) dated April 1, 1986 last revised March 21, 1991 a distance of 120.42 feet to a right of way monument; running thence north 42 degrees 51 minutes 29 seconds east along the right of way of Interstate Highway 20 and Bryan Street as previously stated a distance of 77.32 feet to an iron pin located at the corner of adjoiners parcel line as described in quit claim deed from City of Atlanta to M & N Enterprises, Inc. and O. M. Parkash recorded in Deed Book 15483, pages 340-342, Fulton County, Georgia records; running thence north 45 degrees 57 minutes 37 seconds west a distance of 53.24 feet along the line delineated in the aforesaid quit claim deed to an iron pin; running thence north 02 degrees 05 minutes 37 seconds west a distance of 20.71 feet along the line delineated in the aforesaid quit claim deed to an iron pin; running thence south 88 degrees 11 minutes 49 seconds west along the southerly lines of a 20 foot alley (apparently not open) and property now or formerly of Thomas H. Hopper to an open top pin found on the easterly right of way of Park Avenue and the point of beginning, being delineated on plat of survey by Solar Land Surveying Company originally dated October 11, 2004 and revised June 20, 2006 certified by John W. Stanzilis, Jr., Georgia Registered Land Surveyor.



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Nikki Turner 

Contact Number: x 6001

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: February 26, 2007

Committee Meeting Date(s): March 13-14, 2007 Full Council Date: March 19, 2007.


Commissioner Signature 

**CAPTION**

AN ORDINANCE TO ABANDON A PORTION OF BRYAN AVENUE, SOUTHEAST, LOCATED BETWEEN PARK AVENUE AND THE DEAD-END OF BRYAN AVENUE, LYING IN LAND LOT 44, COUNCIL DISTRICT 1, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.52 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: n/a

Mayor's Staff Only

Received by Mayor's Office: 2.27.07 (date) Reviewed by:  (date)  
Submitted to Council: 3/2/07 (date)